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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/939,870

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11/12/2003

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EXAMINER

NGUYEN, DANNY

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 11/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/939,870

Applicant(s)

HAYASHIDA ET AL.

Examiner

Danny Nguyen

Art Unit

2836

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 29 October 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 16-20.Claim(s) objected to: 4 and 9-11.Claim(s) rejected: 1-3, 5-8 and 12-15.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


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Continuation of 5. does NOT place the application in condition for allowance because: The applicant's arguments of claims 1, 8, and 12 are not persuasive

In response to Applicant's argument of claim 1, that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. In re Nomiya, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as a whole would suggest to one of ordinary skill in the art. In re McLaughlin, 170 USPQ 209 (CCPA 1971). references are evaluated by what they suggest to one versed in the art, rather than by their specific disclosures. In re Bozek, 163 USPQ 545 (CCPA) 1969. In this case, Tailliet teaches plurality of two clamping devices (EC2j) can be varied depending on its location relative to the pad which they are connected to (see col. 4, lines 44-47). This teaching is applicable to all protection circuits and that one of ordinary skill in the art would have recognized the benefits to all protection circuits (of pads in chips). The teaching should not be narrowly construed and therefore, would provide motivation to a CDM designer as well.

Regarding claim 1, applicant argued that the Tailliet reference does not disclose at least two of the second clamping circuits vary from each other. However, Tailliet teaches col. 3, lines 10-17 that the distance from the first protection device to the circuit elements to be protected determines whether a second protection device is necessary. Then Tailliet states that one determines the size of the protection device and resistance by choosing a resistance appropriately (col. 4, lines 34-47). Therefore since the distance is importance (col. 4, lines 5-9), one would choose the resistance and protection element based upon distance from the pad and first protection element to the protected device and would also consider desired current limiting capability to select a desired resistance and protection element combination for the second protection devices. Further since the locations of elements vary as disclosed in Tailliet (col. 3, lines 10-19), one of ordinary skill in the art would have selected appropriate values of resistance and protection capabilities for each secondary protection device and resistance.

Regarding to claim 8, applicant argued that APA does not disclose input resistance including non-wiring structure, However, this limitation is shown in fig. 17 (such as resistance 114a), Therefore, applicant's argument of claim 8 is not persuasive.

Regarding claim 12, applicant argued that Tailliet does not two different power supply. However, Tailliet shows two different power supply in fig. 1 (such as P1 and P2). Therefore, applicant's arguments of claim 12 are not persuasive.